



Nemaha County Board Minutes



March 19, 2013

County of Nemaha, Nebraska
BOARD OF COMMISSIONERS
Commissioner's Chambers
Nemaha County Courthouse, Suite 201
1824 N St Auburn NE

APPOINTMENTS

10:00 a.m. Call meeting to order by Chairman
Pledge of Allegiance
Note Posting of Open Meeting Laws
Action/Approval of Agenda

Action Item:

1. Approve the request for transfer of road employee Greg Cook from District #1 shop (Nemaha) to District #2 shop (Auburn)

Other:

1. Review applications for interviewing – road department

Public Hearing:

11:00 a.m. Public Hearing on Petition for access road

County Board of Commissioners of the County of Nemaha, State of Nebraska met on March 19, 2013, Commissioner's Chambers, Nemaha County Courthouse, Auburn NE for a special scheduled meeting. Notice of meeting was published in the Nemaha County Herald on March 14, 2013. The agenda for the meeting was kept continually current and available for public inspection at the office of Nemaha County Clerk during normal business hours and also on the Nemaha County website. The agenda was held open until one business day prior to the meeting for appearance before the board and items for approval by the Board of Commissioners.

Meeting Called to Order – Chairman Hutton called the meeting to order at 10:05 a.m. Present for the meeting: Commissioner District 1 Bob Hutton, Commissioner District 2 Dennis Wittmann, Commissioner District 3 Marvin Bohling and County Clerk Joyce Oakley.

Chairman Hutton led the Pledged of Allegiance.

Visitors present – Dave Swanson, Nemaha County Herald

Approval of Agenda - Motion by Bohling, seconded by Wittmann to approve the agenda as presented. Roll call vote: Bohling, aye; Wittmann, aye; Hutton, aye.

Action Items:

1. Transfer of road employee Greg Cook from District #1 county shop to District #2 county shop. Motion by Wittmann, seconded by Hutton to not allow the transfer of Greg Cook from District #1 county shop to District #2 county shop. Roll call vote: Hutton, aye; Wittmann, aye; Bohling, nay.

11:00 a.m. Public Hearing on Petition for access road filed by Michael Ely – Public Hearing for on the petition for access road filed by Michael Ely to property Lot 1 of 5 and Lot 5 west of Willow Creek in Section 15 T5N R14E was opened by Chairman Hutton at 11:00 a.m. Present for the hearing were: John Hawley, Chuck Hawley, Michael Ely, Steven Mercure, Jane Andrew, Rich Andrew, John Voelker, Bryan Andrew, Jim Biere, Evelyn Biere, and Marvin Biere. Also present was Dave Swanson, Nemaha County Herald.

Notice of hearing was sent by certified mail to land owners Richard Andrew, Jane Andrew, and Michael Ely; notice was served personally to Richard Andrew, Jane Andrew, Charles Hawley, John Hawley, Marvin Biere, Evelyn Biere by the Nemaha County Sheriff.



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Commissioner Wittmann conducted the public hearing.

Steven Mercure, Attorney for Michael Ely presented Exhibits 1-10 to the Board of Commissioners. Exhibit #1 – Historical Summary; Exhibit #2 – copy Petition for Access Road; Exhibit #3 – Affidavit in Support of Petition; Exhibit #4 – Copy of plat map; Exhibit #5 – Letter from Mercure to John Voelker; Exhibit #6 – Letter from Voelker to Mercure; Exhibit #7 – Letter from Mercure to Biere's; Exhibit #8 – Copy of Final Decree showing Ely as property owner; Exhibit #9 – Colored copy of Ely's land; Exhibit #10 – Colored copy of Andrew's property; Exhibit #11 – Letter from Voelker to Ely.

John Voelker, Attorney for Richard and Jane Andrew presented information to the board regarding not allowing the access through their property.

Public hearing closed at 12:04 p.m.

Motion by Bohling, seconded by Hutton that the Board of Commissioners request a legal opinion from the Nemaha County Attorney and to present his findings for action at the April 10, 2013 Board of Commissioners meeting. Roll call vote: Wittmann, aye; Hutton, aye; Bohling, aye.

With no further business to come before the Board of Commissioners, motion by Bohling, seconded by Hutton to adjourn at 12:08 p.m. Roll call vote: Bohling, aye; Wittmann, aye; Hutton, aye.

Chairman, Board of Commissioners

In Witness Whereof, I have hereunto set my hand and official seal this 27th day of March, 2013.

Joyce Oakley, County Clerk